



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 150-8	Subject: FURLOUGH PROGRAM
Chapter 150: COMMUNITY CORRECTIONAL PROGRAM	Page 1 of 4
	Revision Date: 03/06/04; 02/15/06
Signature: /s/ Ron Alsbury	Effective Date: 09/16/02

I. BUREAU DIRECTIVE: Probation and Parole Bureau employees will follow established procedures for supervision of adult offenders who are parole approved and are granted a furlough to obtain employment and living arrangements.

II. AUTHORITY:

2-15-112, MCA	<i>Duties and Powers of Department Heads</i>
45-7-306, MCA	<i>Escape</i>
46-23-215, MCA	<i>Conditions of Parole</i>
46-23-218, MCA	<i>Authority of Board to Adopt Rules</i>
46-23-1023, MCA	<i>Arrest of Alleged Parole Violator</i>
53-1-203, MCA.	<i>Powers and Duties of Department of Corrections</i>
DOC 4.7.8	<i>Furlough Program</i>

III. DEFINITIONS:

A state prison means the Montana state prison, the Montana women's prison, a state correctional facility portion of a Montana regional correctional facility, a private correctional facility licensed by the department of corrections, or a combination of these facilities.

IV. PROCEDURES:

A. Furlough Eligibility Requirements

1. The Montana Board of Pardons and Parole must have approved the offender for parole.
2. The parole board must have granted the parole dependant on the offender obtaining verified employment and/or securing suitable living arrangements, or any other condition that is difficult to fulfill due to incarceration.

B. Furlough Application

1. The IPPO completes the BOPP Request for Investigation requesting a furlough and submits it to the Board of Pardons & Parole. If the BOPP approves the furlough request, the BOPP will forward the *BOPP Request for Investigation* and offender field file to the P&P Officer to investigate the furlough request. The assigned Probation & Parole Officer will review and confirm the Furlough Request plan, including living arrangements and notify the IPPO/POII relative to approval for the offender to come out on furlough.
2. The IPPO/POII (Pre-Release Liaison) completes *P&P 150-8 (A) Furlough Request & Permit* and *P&P 150-8 (B) Furlough Program Rules* with the offender. The offender must sign the application and agree to all conditions prior to the report being submitted to the BOPP.
3. The IPPO/POII will submit the *Furlough Request & Permit* and signed *Furlough Program Rules* to the Board of Pardons and Parole Chair or designee for approval. The BOPP must sign the application prior to any further distribution.

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4. The IPPO/POII will contact the P&P Officer to set up a date for the offender to be placed on furlough. This date will take into account the 10-day notification required for sexual/violent offender registration. The IPPO/POII determines when and under what circumstances the offender leaves the institution/Pre-Release after the approval of the Board of Pardons & Parole. The IPPO/POII will have the offender sign *P&P 80-1 (A) Travel Permit* prior to their release. The IPPO/POII will also make sure that all appropriate paperwork for Sexual/Violent Offender Registration is completed on all applicable offenders as well as assure that DNA testing has been completed and if not arrange for completion of such prior to the offenders departure.
5. The IPPO/Pre-Release Liaison forwards the signed *Furlough Request & Permit and Furlough Program Rules* to the assigned Probation and Parole Officer.
6. The offender will be responsible for transportation arrangements. The offender will be responsible to pay for the cost of a bus ticket or may make arrangements with family or friends for transport.
7. Furlough offenders are not eligible for Gate Money until such time as they are on parole status.
8. The IPPO/POII notifies MSP or MWP Records Department of the approved furlough and scheduled date of departure. The MSP or MWP Records Department will determine the need to notify victim(s) and local law enforcement if applicable.

C. Escape

If the offender fails to report as ordered to the supervising parole officer or fails to return to the facility as ordered in the furlough permit, the offender may be charged with escape pursuant to MCA 45-7-306 and 46-23-215.

D. Violations

1. If an offender on furlough violates any conditions of the furlough, the supervising parole officer may immediately arrest the offender or have the offender arrested pursuant to MCA 46-23-1023. Any violation of a Furlough Program condition may result in the immediate termination of the furlough.
2. Prior to the offender's return to prison, a disciplinary hearing will be conducted pursuant to P&P 140-1 Adult Offender Discipline and Disciplinary Hearings. The Hearings Officer or supervising Probation/Parole Officer will submit the hearing paperwork including *P&P 140-1 (A) Summary of Disciplinary Hearing, P&P 140-1 (C) Statement of Charges-Notice of Disciplinary Hearing* and other related paperwork to the Institutional Hearing Officer, the BOPP, and the Institutional Classification Officer.
3. The offender is subject to prosecution for any criminal offense that the offender may commit while on furlough.
4. The BOPP may proceed in any way it deems appropriate including rescission of the parole decision.

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E. Conditions of Ten-Day Furlough

Upon approval of a furlough, the offender shall:

1. Review and sign the *Furlough Program Rules*. The offender's signature on the application indicates agreement to comply with the rules of the furlough program and to any special conditions imposed by the Board of Pardons and Parole (BOPP).
2. Report to the supervising Probation and Parole Officer immediately upon arrival in the community and daily thereafter as instructed by the officer, with once a day minimal reporting. The supervising officer must establish alternative reporting to law enforcement during weekends or holidays.
3. Not use or possess any alcoholic beverages. Except to apply for employment, an offender must not enter any business establishments that serve alcoholic beverages. When an offender desires to apply for employment in an establishment that serves alcohol beverages, the offender must first obtain permission from the supervising Probation and Parole Officer prior to entering the establishment.
4. Not use or possess narcotic or dangerous drugs unless prescribed by a licensed physician. All names of over the counter and prescribed medications must be provided to the supervising Probation and Parole Officer. Except under emergency circumstances, the supervising officer must give approval prior to the offender visiting a physician.
5. Not have a weapon in his or her possession, nor be in a household that possesses any firearms.
6. Be subject to search of person or residence at any time by the supervising officer. If the offender refuses to submit to a search when requested, this constitutes grounds for immediate revocation of the furlough permit and a return to prison custody.
7. Carry a copy of the furlough permit at all times.
8. Not travel without the written permission of the supervising officer.
9. Will not be able to drive a motor vehicle while on Furlough status..

F. Parole without Returning to the Facility

An offender who secures acceptable living arrangements and/or employment specifically approved by the supervising P&P Officer may be eligible to be placed on parole status without returning to the correctional facility.

1. The P&P Officer will notify the BOPP that the offender has secured acceptable employment, living arrangements and/or met other conditions stipulated by the BOPP. *P&P 60-1 (E&F) Conditions of Probation & Parole* will be completed by the parole officer and signed by the offender. The BOPP notification **must be telephonic** and should occur only after the offender has signed the *Conditions of Probation & Parole*, preferably when the offender is sitting in the P&P Office. The P&P Officer will immediately forward a copy of the *Conditions of Probation & Parole* to the BOPP.

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2. If the officer requests additional special conditions, the officer will need to complete the *BOPP Waiver of Appearance for Additional Special Conditions* and have the offender sign and forward to BOPP.
3. Upon verification of the rules being signed, the BOPP will call the Records Department at MSP/MWP to determine the final sentence expiration date (discharge date) and prison records will enter ACIS data, releasing offender to parole.
4. The BOPP will issue a Parole Certificate, effective the date the rules are signed.

G. Return to the Facility

1. If the offender is not able to secure a job and/or employment in the 10-day time frame, the Board of Pardons & Parole may grant an extension of up to 10 days upon recommendation of the supervising officer. An extension shall be granted only for the number of days required for the inmate to complete the required task. The second furlough will not exceed ten days under any circumstances. The inmate must request and complete *P&P 150-8 (C) Furlough Extension Request* and submit the form to his assigned Probation and Parole Officer. The P&P Officer will fax *P&P 150-8 (C)* to the Board of Pardons & Parole. The Board of Pardons and Parole will notify the Montana State Prison Count Office of the extension. If the request meets with the approval of the Probation and Parole Officer, the Officer must telephonically gain the approval of the BOPP. A second extension shall not be granted without prior approval of the BOPP.
2. Offenders may reapply for the furlough program if all criteria are met for eligibility.
3. The supervising probation and parole officer will facilitate transportation arrangements. The Department of Corrections Transportation system can be utilized for this purpose.

- V. CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or Probation and Parole Bureau Chief.

Forms:

BOPP	BOPP Waiver of Appearance for Additional Special Conditions
BOPP	Request for Investigation
P&P 60-1 (E&F)	Conditions of Probation & Parole
P&P 80-1 (A)	Travel Permit
P&P 150-8 (A)	Furlough Request & Permit
P&P 150-8 (B)	Furlough Program Rules
P&P 150-8 (C)	Furlough Extension Request